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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,136	03/27/2001	Shinji Hiratsuka	32178-170563	7085

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RABIN & BERDO, P.C.
1101 14TH STREET, N.W.
SUITE 500
WASHINGTON, DC 20005

EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 04/20/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/817,136

Applicant(s)

HIRATSUKA, SHINJI

Examiner

Khanh Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6 and 9-18 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8, and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

A description must be provided to each box in Figs. 1, 2a, 3a, 4a, 4b, 5a, and 5b. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, it is unclear how a "storing step" may comprise a "generating step."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7, 8, 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Deng.

At the outset, it is first noted that similar claims will be grouped together to avoid repetition.

As broadly drafted, these claims do not define any structure that differs from Deng. With regard to claims 1, 19-21, Deng discloses a serial bus data control device (generally shown in Figs. 2 and 3) for being provided to communication equipment to receive two or more packets each being sent through a serial bus (58, for example) and each being composed of a header (generally shown in Figs. 6, 9, and 10), actual data (generally shown in Figs. 6, 9, and 10, for example) positioned subsequently to the header and a footer (in any packet, there is always a tail pointer to indicate an end of the packet; in Deng, the COMPLETE 100/ACK 102) positioned subsequently to the actual data comprising: a preprocessing section (not particularly labeled) to recognize each of the two or more packets received through the serial bus (58, for example) and to divide at least the actual data (generally shown in Figs. 6, 9, and 10, for example) contained in each of said recognized packets into two or more pieces of unit length data each having a predetermined data length (in Deng, each data packet can be divided into partitions containing several blocks of data each having a predetermined data length; (see at least the abstract and column 7, line 55 to column 9, line 27); and a storing section (FIFO storage, for example) to temporarily store at least the actual

data contained in each of the packets recognized by the preprocessing section; whereby the preprocessing section is provided with an address control circuit (the at least Read Pointer in Deng) to assign a continued address of said storing section, at least, to the unit length data constituting the actual data contained in each of the recognized packets composed of the header, the actual data and the footer. Note also that the system of Deng must be in full compliance with IEEE 1394. In accordance with IEEE 1394 specification, header and footer are stored in a single place separately from actual data (known as parsing). See IEEE 1394 specification, which is readily available from the Internet, for example.

With regard to claim 2, as any packet transmitted using IEEE 1394 specification, in Deng, the packet is configured with a header. The header packet is followed by a data block which consists of a plurality of data quadlets with the last quadlet being a data CRC quadlet. The packet header contains a transaction code (information) which defines the packet type of a primary packet. The transaction packet code (information) specifies the packet format and the type of transaction that shall be performed such as a write request for a data quadlet, a write request for a data block, read requests for data quadlets and data blocks, and read responses for data quadlets and data blocks. See also Figs. 9 and 10; and description thereof.

With regard to claims 7 and 8, according to IEEE 1394 specification, header and footer are stored in a single place separately from actual data (known as parsing). See IEEE 1394 specification, which is readily available from the Internet, for example.

Response to Arguments

Applicants' arguments filed 2/26/2004 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

The Deng 102 Rejection:

With regard to claims 1 and 19, Applicant argued that Deng does not disclose that "the storage section is partitioned into a first data area to store the headers and footers of received packets and a second data area to store the actual data in the received packet." Contrary to Applicant's argument, in Deng, each data packet can be

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divided into partitions containing several blocks of data each having a predetermined data length; see at least the abstract and column 7, line 55 to column 9, line 27); and a storing section (FIFO storage, for example) to temporarily store at least the actual data contained in each of the packets recognized by the preprocessing section; whereby the preprocessing section is provided with an address control circuit (the at least Read Pointer in Deng) to assign a continued address of said storing section, at least, to the unit length data constituting the actual data contained in each of the recognized packets composed of the header, the actual data and the footer. It is also important to note that the Deng system must be in full compliance with IEEE 1394 specification. As any packet transmitted using IEEE 1394 specification, in Deng, the packet is configured with a header. The header packet is followed by a data block which consists of a plurality of data quadlets with the last quadlet being a data CRC quadlet. The packet header contains a transaction code (information) which defines the packet type of a primary packet. The transaction packet code (information) specifies the packet format and the type of transaction that shall be performed such as a write request for a data quadlet, a write request for a data block, read requests for data quadlets and data blocks, and read responses for data quadlets and data blocks. See also Figs. 9 and 10; and description thereof. Further, in accordance to IEEE 1394 specification, header and footer are stored in a single place separately from actual data (known as parsing). See IEEE 1394 specification, which is readily available from the Internet, for example.

Allowable Subject Matter

Claims 3-6, and 9-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to Applicant's letter dated 9/12/2003, it is confirmed that this Office Action will be mailed to:

Rabin & Berdo, P.C.
1101 14th Street, N.W.
Suite 500
Washington, D.C. 20005

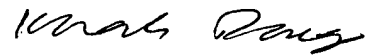
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang
Primary Examiner